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OFFICE OF PETITIONS

In re Application of :
Toshikazu Onishi : DECISION GRANTING PETITION
Application No. 10/665,469 :
Filed: September 22, 2003 :
Attorney Docket No. 60188-660 :

This is a decision on the petition under 37 CFR 1.53(e), filed September 20, 2004, requesting that the above-identified application be accorded a filing date of September 22, 2003.

On September 22, 2003, applicant deposited the above-identified application. On July 21, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," indicating that the specification did not include at least one claim, and stating that the filing date would be the date of receipt of a complete specification. Additionally, the Notice stated that pages 18-32 of the specification appeared to have been omitted.

In response, on September 20, 2004, applicant filed the present petition and a copy of 13 pages of specification (pages 18-30), 3 pages of claims (pages 31-33) and 1 page of abstract (page 34). Additionally, applicant submitted a copy of a date-stamped postcard receipt, acknowledging receipt of 30 pages of specification, 3 pages of claims and 1 page of abstract on September 22, 2003.

Upon review of the record, pages 18-30 of the specification, pages 31-33 of claims and page 34 of the abstract have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 22, 2003, included pages 18-30 of the specification, pages 31-33 of claims and

page 34 of the abstract, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including pages 18-30 of the specification, pages 31-33 of claims and page 34 of the abstract, was complete on filing and will be granted a filing date of September 22, 2003.

Accordingly, the petition is granted. The Notice of Incomplete was sent in error and is hereby vacated. The \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 50-0417.

The Office of Initial Patent Examination is directed to process the above-identified application with a **filing date of September 22, 2003**, using the pages 1-17 and 33 of the specification filed on September 22, 2003, and pages 18-30 of the specification, pages 31-33 of claims and page 34 of the abstract filed on September 20, 2004, and to mail a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
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